

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s): 13-17656

District Court/Agency Case Number(s): 09-01529 SI

District Court/Agency Location: USDC - NDCA

Case Name: Joy Nwabueze, et al., v. Pacific Bell Telephone Company, et al

If District Court, docket entry number(s) of order(s) appealed from: Dkt. 247

Name of party/parties submitting this form: Christopher A. Bandas

Please briefly describe the dispute that gave rise to this lawsuit.

In a class action case known as Nwabueze et al v. AT&T, et al. Class Action; Case No. 09-cd-01529 SI, United States District Court for the Northern District of California, the Plaintiffs alleged that third-party companies placed unauthorized charges on AT&T's landline customer's telephone bills (a practice known as "cramming"), in violation of federal and state law. The District Court approved the settlement.

Briefly describe the result below and the main issues on appeal.

The issues on appeal will be that the settlement is not fair, reasonable or adequate and that class counsel's fees are excessive.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Objector/Appellant lacks sufficient knowledge or understanding to answer this question.

Provide any other thoughts you would like to bring to the attention of the mediator.

None.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

### **CERTIFICATION OF COUNSEL**

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

☒ may result in sanctions, including dismissal of the appeal.

Signature s/Christopher A. Bandas

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for Gordon Morgan

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

**SERVICE LIST**

<b>Contact Info</b>	<b>Case Number/s</b>	<b>Service Preference</b>	<b>ECF Filing Status</b>
Michael Allen Caddell CADELL & CHAPMAN Ste. 1070 1331 Lamar Houston, TX 77010 Email: mac@caddellchapman.com	<u>13-17656</u>	Email	Active
Cynthia B. Chapman CADELL & CHAPMAN Ste. 1070 1331 Lamar Houston, TX 77010 Email: cbc@caddellchapman.com	<u>13-17656</u>	Email	Active
John Jacobs JACOBS LAW FIRM CHTD. Suite 1850 122 S. Michigan Ave. Chicago, IL 60603 Email: jgjacobs@jacobskolton.com	<u>13-17656</u>	Email	Active
Jeffrey F. Keller KELLER GROVER LLP Suite 500 1965 Market Street San Francisco, CA 94103 Email: jfkeller@kellergrover.com	<u>13-17656</u>	Email	Active
Bryan Kolton The Jacobs Law Firm, Chtd. Suite 1850 122 South Michigan Avenue Chicago, IL 60603 Email: bgkolton@jacobskolton.com	<u>13-17656</u>	Email	Active
Gordon B. Morgan 4701 Ayers St., Suite 105 Corpus Christi, TX 78415	<u>13-17656</u>	US Mail	
Jahan C. Sagafi Oутten & Golden LLP 29th Floor 3 Park Avenue New York, NY 10016 Email: jsagafi@outtengolden.com	<u>13-17656</u>	Email	Active
Michael Sobol Lief Cabraser Heimann & Bernstein LLP Embarcadero Center West 30th Floor 275 Battery Street San Francisco, CA 94111-3339 Email: msobol@lchb.com	<u>13-17656</u>	Email	Active
Douglas Ray Tribble PILLSBURY WINTHROP SHAW PITTMAN LLP Suite 1100 501 West Broadway San Diego, CA 92101 Email: douglas.tribble@pillsburylaw.com	<u>13-17656</u>	Email	Active